

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SILICONIX INCORPORATED,

No. C-05-1507 WHA (JCS)

Plaintiff,

v.

**NOTICE OF SETTLEMENT
CONFERENCES AND SETTLEMENT
CONFERENCE ORDER**

DENSO CORPORATION, ET AL.,

Defendants.

SILICONIX INCORPORATED,

Consolidated Case No. C-04-0344 WHA (JCS)

Plaintiff,

v.

ADVANCED ANALOGIC TECHNOLOGIES
INCORPORATED,

Defendant.

SILICONIX INCORPORATED,

Consolidated Case No. C-05-3617 WHA (JCS)

Plaintiff,

v.

(E-FILING CASES)

MATSUSHITA ELECTRIC INDUSTRIAL
COMPANY, LTD., ET AL.,

Defendants.

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matters have been referred to Magistrate Judge Joseph C. Spero for settlement purposes.¹

¹ The lead case, *Siliconix Inc. v. Denso Corp., et al.*, is not included in the Settlement Conferences ordered at this time. Counsel will decide shortly whether they desire a Settlement Conference in that case, and will notify the Court immediately thereafter. If the lead case is to be

You are hereby notified that Settlement Conferences have been scheduled as follows:

1. *Siliconix Inc. v. Matsushita Elec. Indus. Co., Ltd., et al.*, C-05-3617 WHA, for **July 18, 2006, at 9:30 a.m.**; and
2. *Siliconix Inc. v. Advanced Analogic Techs. Inc.*, C-04-0344 WHA, for **July 19, 2006, at 9:30 a.m.**

The conferences will take place in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Additionally, the following principals, or other individuals having unlimited settlement authority that the parties may identify and counsel are ORDERED to meet and confer *in person* on or before June 30, 2006, to discuss settlement: King Owyang or Nick Basile for Siliconix; Richard Williams for AATI; and Masato Okuguchi for Matsushita/Panasonic. (If the clients desire, their counsel may also attend the meet-and-confer sessions.)

On or before June 9, 2006, Siliconix shall make settlement proposals, in writing, and serve copies on the undersigned. On or before June 16, 2006, AATI and Matsushita/Panasonic shall respond with counter-proposals, in writing, and serve copies on the undersigned.

It is the responsibility of counsel to ensure that whatever discovery is needed for all sides to evaluate the case for settlement purposes is completed by the dates of the Settlement Conferences. Counsel shall cooperate in providing discovery informally and expeditiously.

Lead trial counsel shall appear at the Settlement Conferences with the parties. The above-named principals, or other individuals designated by the parties, shall also attend the Settlement Conferences. Any party who is not a natural person shall be represented by the person(s) with **unlimited** authority to negotiate a settlement. A person who needs to call another person not present before agreeing to any settlement does not have unlimited authority. If a party is a governmental entity, its governing body shall designate one of its members or a senior executive to appear at the Settlement Conferences with authority to participate in the Settlement Conferences and, if a tentative settlement agreement is reached, to recommend the agreement to the governmental

included, a supplemental order from the Court will follow.

1 entity for its approval. An insured party shall appear with a representative of the carrier with full
2 authority to negotiate up to the limits of coverage. Personal attendance of a party representative will
3 rarely be excused by the Court, and then only upon separate written application demonstrating
4 substantial hardship served on opposing counsel and lodged as early as the basis for the hardship is
5 known but no later than the Settlement Conference Statement.

6 **Each party shall prepare a Settlement Conference Statement, which must be e-mailed**
7 **to the undersigned's Chambers no later than NOON on July 7, 2006, at the following address:**
8 **Mary Ann Gomez@cand.uscourts.gov**. The Statements should **not** be filed with the Clerk of the
9 Court, and need not be served on opposing counsel. The parties are encouraged, however, to
10 exchange Settlement Conference Statements. If Settlement Conference Statements are exchanged,
11 any party may submit by e-mail an additional confidential settlement letter to the Court not to
12 exceed three (3) pages. The contents of this confidential settlement letter will not be disclosed to the
13 other parties.

14 The Settlement Conference Statement shall include the following:

- 15 1. A brief statement of the facts of the case.
- 16 2. A brief statement of the claims and defenses including, but not limited to, statutory or
17 other grounds upon which the claims are founded, and a **candid** evaluation of the parties' likelihood
18 of prevailing on the claims and defenses. The more candid the parties are, the more productive the
19 conference will be.
- 20 3. A list of the key facts in dispute and a brief statement of the **specific** evidence
21 relevant to a determination of those facts.
- 22 4. A summary of the proceedings to date and any pending motions.
- 23 5. An estimate of the cost and time to be expended for further discovery, pretrial and trial.
- 24 6. The relief sought, including an itemization of damages.
- 25 7. The party's position on settlement, including present demands and offers and a history
26 of past settlement discussions. The Court's time can best be used to assist the parties in completing
27 their negotiations, not in starting them. The parties are urged to carefully evaluate their case before
28 taking a settlement position since extreme positions hinder the settlement process.

1 Settlement Conference Statements **may** be submitted on CD-ROM with hypertext links to
2 exhibits. Otherwise, the portion of exhibits on which the party relies shall be highlighted.

3 It is not unusual for the conference to last three (3) or more hours. Parties are encouraged to
4 participate and frankly discuss their case. Statements they make during the conference will not be
5 admissible at trial in the event the case does not settle. The parties should be prepared to discuss
6 such issues as:

- 7 1. Their settlement objectives.
- 8 2. Any impediments to settlement they perceive.
- 9 3. Whether they have enough information to discuss settlement. If not, what additional
10 information is needed.
- 11 4. The possibility of a creative resolution of the dispute.

12 The parties shall notify Chambers immediately at (415) 522-3691 if this case settles prior to
13 the date set for Settlement Conference. Counsel shall provide a copy of this order to each party who
14 will participate in the conference.

15 IT IS SO ORDERED.

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17 Dated: March 3, 2006


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19 JOSEPH C. SPERO
20 United States Magistrate Judge
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